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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,780	09/20/2000	Herman Chien	1999-0804	6102

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,780

Applicant(s)

CHIENT, HERMAN

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-8, 10-12, 14-16, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartmaier (6,553,022).

Consider claim 1. Hartmaier teaches a network (fig. 1-2) that utilizes a modem for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

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Consider claims 2-4. Fig. 1-3, col. 4, ln. 54 to col. 6, ln. 10 read on the limitations of claims 2-4.

Consider claim 6. Hartmaier teaches a network (fig. 1-2) that utilizes a modem for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claims 7-8. Fig. 1-3, col. 4, ln. 54 to col. 6, ln. 10 read on the limitations of claims 7-8.

Consider claims 10-12. Hartmaier teaches a network (fig. 1-2) that utilizes a modem for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234; col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claim 14. Hartmaier further teaches the user places a telephone call via a modem pool (modem pool 210 or 260; fig. 2).

Consider claims 15-16. Hartmaier teaches a network (fig. 1-2) that utilizes a modem for processing calls made through the network, comprising a server (authentication platform 218; col. 4, ln. 57 to col. 5, ln. 36, fig. 3); a search module (processor 230) for searching a database (234;

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col. 5, ln. 21-36); a billing aggregator module, a correlating module and a billing module (col. 4, ln. 54 to col. 6, ln. 10; especially col. 5, ln. 50 to col. 6, ln. 10).

Consider claim 18. The method as taught by Hartmaier is inherently performed for each of multiple users of the network who would like to access an ISP via a modem pool.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 9, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmaier (6,553,022) in view of Ronen (5,745,556).

Consider claims 5, 9, 13, 17. Hartmaier does not teach the network comprises a wireless network.

Ronen teaches the network comprises a wireless network (col. 10, ln. 6-29).

Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Hartmaier in view of Ronen in wireless environment in order to obtain or gain more profits by expanding the system nationwide.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Group's Fax numbers)
(703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

August 7, 2003


DUC NGUYEN
PRIMARY EXAMINER